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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Alexis Monge,

10 Plaintiff,

11 v.

12 Everwell Home Health Care LLC, et al.,

13 Defendants.
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No. CV-24-03007-PHX-KML

ORDER

15 Plaintiff Alexis Monge filed this suit for unpaid wages against defendants Everwell
16 Home Health Care LLC and Shanea Howell. No defendant appeared and both defendants'
17 defaults were entered. (Doc. 10.) Defendant Howell then moved to set aside the default on
18 behalf of herself and Everwell. (Doc. 12.) The court explained "a limited liability company
19 such as Everwell must be represented by counsel." (Doc. 15.) Everwell had not appeared
20 through counsel, meaning Howell's request to set aside her default was granted but
21 Everwell remained in default. (Doc. 15 at 2.) Monge and Howell are engaged in discovery.

22 On September 18, 2025, Monge filed a motion for default judgment against
23 Everwell. (Doc. 48.) Howell filed a response arguing default judgment could not be entered
24 against her because she was participating in the case. (Doc. 49 at 1.) Howell also requested
25 "[i]f the Court enters default judgment against Everwell LLC" it should "limit damages to
26 the undisputed base wages (approximately \$682) and deny requests for treble damages,
27 liquidated damages, and attorney's fees." (Doc. 49 at 2.) Howell also sent an email to the
28 chambers inbox stating:

1 I am Shanea (“Nea”) Howell, Defendant appearing pro se. On
2 September 19, 2025, I filed my Opposition to Plaintiff’s
3 Motion for Default Judgment and a supporting Declaration
4 with exhibits.

5 Out of respect for the Court’s time, I wanted to notify
6 Chambers directly that these filings are now on the record.
7 Plaintiff has mischaracterized the facts, and I have actively
8 defended myself in this matter. For that reason, I respectfully
9 request that the Court not enter default judgment against me
10 personally.

11 If the Court is inclined to enter judgment against Everwell
12 Home Health Care LLC, I respectfully request that damages be
13 limited to base wages only, without treble damages or
14 attorney’s fees, as I have always acted in good faith and made
15 attempts to resolve this before litigation.

16 Thank you for your time and consideration.

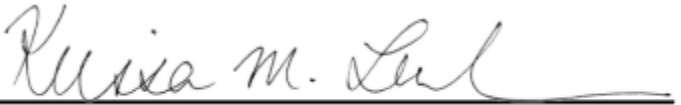
17 Howell’s email was inappropriate. The chambers email address may be used *only* for the
18 submission of proposed orders. Parties are not permitted to send substantive emails to that
19 address. Future violations of this rule might lead to sanctions, including default judgment
20 against Howell. In addition, Howell has already been informed multiple times she cannot
21 represent Everwell. That means Howell cannot make arguments on behalf of Everwell and
22 the court will not consider any such arguments.

23 On the merits of the motion for default judgment, the circumstances of this case do
24 not allow for entry of such a judgment. Monge is asserting the same claims against Howell
25 and Everwell and it appears some of the same defenses Howell is pursuing might apply to
26 the claims against Everwell. For example, Howell alleges Monge “was never misclassified
27 as a W-2 employee” but was a “1099 contractor.” (Doc. 49 at 1.) If that argument is correct,
28 Monge’s claims might fail against Howell. And the argument might also apply to Everwell.
In effect, it would be “incongruous and unfair to allow” Monge to prevail against Everwell
by way of a default judgment on a legal theory that might be rejected regarding Howell. *In*
re First T.D. & Inv., Inc., 253 F.3d 520, 532 (9th Cir. 2001). The court cannot enter a
default judgment that might turn out to be “inconsistent” with the later judgment regarding
Howell. *Id.*

1 Accordingly,

2 **IT IS ORDERED** the Motion for Default Judgment (Doc. 48) is **DENIED**
3 **WITHOUT PREJUDICE.**

4 Dated this 25th day of September, 2025.

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8 **Honorable Krissa M. Lanham**
9 **United States District Judge**
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